

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. R. 744

17 August 2001

TOURISM ACT 1993 (Act No. 72 of 1993)

REGULATIONS IN RESPECT OF TOURIST GUIDES

The Minister of Environmental Affairs and Tourism has under section 26 of the Tourism Act, 1993 (Act No 72 of 1993) made the regulations in the Schedule.

SCHEDULE**Definitions**

1. In these regulations a word or expression defined in the Act has that meaning, and, unless the context indicates otherwise -
 - “**registrar**” means the Provincial Registrar, and
 - “**the Act**” means the Tourism Act, 1993(Act No 72 of 1993),and
 - “**THETA**” means the Tourism, Hospitality and Sports Education and Training Authority, established in terms of section 9 of the Skills Development Act, 1988 (Act no 97 of 1988).

The National register of tourist guides

2. (1) The register of tourist guides referred to in section 21(2)(a) of the Act must contain the following:
 - (a) Province of residence;
 - (b) tourist guide number;
 - (c) title;

- (d) surname;
- (e) first names;
- (f) gender;
- (g) date of birth;
- (h) identity number (where applicable);
- (i) particulars of permanent residence permit or work permit (where applicable);
- (j) nationality;
- (k) postal address (both business and residential);
- (l) telephone number (both business and residential);
- (m) fax number (both business and residential);
- (n) e-mail address (if applicable);
- (o) website (if applicable);
- (p) first language;
- (q) other languages conversant with (also sign language);
- (r) national qualifications and competencies;
- (s) special skills or knowledge;
- (t) practical experience
- (u) any field of specialization referred to in regulation 3(4);
- (v) code of driver's license; and
- (w) any endorsement referred to in section 21E(8) and 21F(8) of the Act and regulation 7.

- (2) The Data form in respect of the above must, in all material respects, be substantially similar to the form in **Annexure F**, and must be forwarded to the National Registrar of Tourist Guides together with the THETA qualification and a copy of the first aid certificate for entry into the national database.

Registration of tourist guides

3. (1) (a) Any person who wishes to be registered as a tourist guide must apply on an application form that must, in all material respects, be substantially similar to the form in **Annexure A**.
- (b) The application must be accompanied by -
- (i) proof of the competence contemplated in section 21B of the Act

- (inclusive of a valid first aid certificate);
- (ii) proof of having passed the quality assurance process (where applicable) as set out in **Annexure G**;
 - (iii) the registration fee of R.240,00;
 - (iv) four recent, clear, unmounted and identical full-face colour photographs of the applicant (showing only the head and shoulders), measuring 30 x 25 mm; and
 - (v) a declaration to comply with laws and regulations applicable to tourist guides, including the tourist guide code of conduct and ethics.
- (2) (a) The registration certificate referred to in section 21A(5) of the Act must in all material respects be substantially similar to the form in **Annexure B**.
- (b) The badge referred to in section 21A(5) of the Act must in all material respects be substantially similar to the illustration in **Annexure C**.
- (c) Any certificate of registration or badge issued to a tourist guide remains the property of the Department of Environmental Affairs and Tourism.
- (3) (a) The application form for the renewal of registration referred to in section 21A(6)(b) of the Act must, in all material respects, be substantially similar to the form in **Annexure D**.
- (b) The fee payable upon registration is R 240,00 and may be increased biannually after notification and consultation with all nine provinces.
- (4) (a) The fields of specialisation contemplated in section 21A(7) of the Act are as set out in **Annexure G**.
- (b) Any tourist guide who wishes to obtain a new registration certificate and badge, reflecting the acquisition of a competence in a field of specialisation or an additional competence within such a field, must apply on an application form that, in all material respects, is substantially similar to the form in **Annexure E**.
- (c) The application must be accompanied by -
- (i) proof of the competence or additional competence acquired;
 - (ii) the fee of R60; and
 - (iii) additional photographs if required.

- (d) The new registration certificate must in all material respects be substantially similar to the form in **Annexure B**.
- (e) The new badge must in all material respects be substantially similar to the illustration in **Annexure C**.
- (f) Upon receipt of the new certificate and badge the tourist guide must return the certificate of registration previously issued and any copy or duplicate thereof, as well as the old badge, to the registrar.

Damaged, destroyed or lost certificate of registration or badge

- 4. (1) If a badge or certificate of registration issued in terms of section 21A of the Act is damaged, destroyed or lost, the tourist guide to whom it was issued must apply in writing to the registrar for the replacement thereof, which application must be accompanied by the fee of R30,00 whereupon the registrar must issue a new badge or certificate of registration as the case may be.
- (2) If a damaged badge or certificate of registration is replaced, the tourist guide concerned must, on receipt of the new badge or certificate of registration, return the damaged badge or certificate, as the case may be, to the registrar. Alternatively a letter of explanation in this regard will also be accepted.

Code of conduct and ethics

- 5. (1) A draft code of conduct and ethics must be drafted by the National Registrar, after consultation as required by section 21C of the Act and after consultations with the registrars, tourist guide trainers and THETA.
- (2) The draft code of conduct and ethics referred to in sub-regulation (1) must then be forwarded to the following parties for their recommendations and input:
 - (a) National Tourism Bodies and Authorities;
 - (b) South African Tourism;
 - (c) Provincial Tourism Authorities;
 - (d) National and Provincial Tourist Guides Associations;
 - (e) The Field Guides Association of Southern Africa (FGASA);
 - (f) Tourist Guide Trainers; and
 - (g) Tourist Guides.

- (3) Consultations with the parties must also take place through a workshop that must be convened once a draft code has been drawn up through inputs received.
- (4) Comments in respect of the draft code of conduct and ethics must be submitted in writing to the National Registrar, who must duly consider the comments before preparing a text for public comment.
- (5) The code of conduct and ethics must then be published for public comment. A period of one month must be allowed for comments, which must be duly considered by the National Registrar.
- (6) The final code of conduct and ethics must then be published in the *Gazette*. Copies of the final code of conduct and ethics must then be forwarded to the provincial registrars, to be signed by all registered guides in South Africa as confirmation of their commitment to abide by the code.

Return of badge when registration is suspended

6. When the registration of a tourist guide is suspended in terms of section 21E(8) or section 21F(8) of the Act, the guide must return the badge issued to him or her to the registrar.

Endorsement in register regarding suspension of registration of tourist guide

7. An endorsement in the register against the name of a tourist guide whose registration is suspended in terms of section 21E(8) or section 21F(8) must indicate -
 - (a) the provision in the Act in terms of which the suspension was done;
 - (b) a brief summary of the allegation giving rise to the suspension;
 - (c) the date of commencement of the suspension;
 - (d) the period of suspension; and
 - (e) the date on which the suspension will expire.

Fines

8. The fine referred to in section 21F(5)(b) is R 500,00.

Appeals to National Registrar

9. Appeals.

- (1) A person who appeals in terms of section 21G of the Act against a decision of a registrar must, within 30 days from the date on which he or she is notified of the decision against which he or she wishes to appeal, submit to the National Registrar a written notification of appeal in which the grounds for appeal are stipulated.
- (2) In his or her notification of appeal the appellant must inform the National Registrar whether or not he or she wishes to argue the appeal personally before the National Registrar.
- (3) The notification of appeal must be accompanied by an appeal fee of R 200,00.
- (4) The appellant must provide the registrar concerned with a copy of the notification of appeal
- (5) The registrar must, within 10 days from receipt of the copy of the notification of the appeal, submit to the National Registrar the reasons for the registrar's decision.
- (6) The National Registrar must, within 30 days from receipt of the registrar's reasons, notify the appellant of his or her decision.

Date of commencement

10. These regulations commence on the same date as the date of commencement of the Tourism Second Amendment Act, 2000 (Act No.70 of 2000)